



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2308114
Application Name: Phil Kallsen for Dick's Drive-ins LTD
Address of Proposal: 500 Queen Anne Ave N

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use and construct a 720 sq. ft. addition to an existing 3,954 sq. ft. restaurant for a total of 4,674 sq. ft. The proposal includes the construction of new bathroom facilities and accessory storage areas attached to the existing structure. No change in the number or location of parking is proposed.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition, or
another agency with jurisdiction.

BACKGROUND DATA

The subject site proposal is a corner lot with two street frontages, located in the Queen Anne neighborhood of Seattle. The site is located at the northeast corner of Queen Anne Ave N and

Republican St. The site is zoned Neighborhood Commercial Three (NC3-40) and is located in a pedestrian one zone.

Proposal Description

The proposal consists of the construction of a 720 sq. ft. addition, which will contain men's and women's bathrooms, accessory storage, an exterior trash enclosure, and an exterior covered entry for the restaurant use. Parking location, parking quantity and vehicle access are not proposed to be altered in any way by this proposal.

Public Comments

No comments were received during the comment period which ended on May 19, 2004.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated March 2nd, 2004 and annotated by the Department. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short - Term Impacts

Construction activities for the 720 sq. ft. restaurant addition could result in the following adverse impacts: construction dust, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction workers' vehicles. Several construction related impacts are mitigated by existing City codes and ordinances applicable to the project, such as the Noise Ordinance; the Street Use Ordinance; and the Building Code. Following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

The character of the area is of a mixed use nature with mostly commercial uses but with some medium scale apartments in the area and as a result the construction-related noise will have an impact on the surrounding residents. The times allowed for construction per the Noise Ordinance (SMC 25.08) are

found to be inadequate to mitigate the noise impacts on the residents in the neighborhood. Thus proper conditioning is warranted.

The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) is adequately controlled with a street use permit through the Seattle's Department of Transportation, and no further SEPA conditioning is needed.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist which warrant additional mitigation per the SEPA Overview Policy.

Long - Term Impacts

The following long-term or use-related impacts, which are often a consideration, do not apply in this instance: increased demand on public services and utilities; increased light and glare; and increased energy consumption. These long-term impacts are not considered adverse, as other City Departments review the feasibility of these issues. Additional land use impacts which may result in the long-term are discussed below.

Height, Bulk and Scale

Although there is a small increase in bulk and overall lot coverage for the development site, the proposed addition will meet the Land Use Code requirements (development standards) laid forth in SMC 23.47 (Commercial). The adjacent zoning designations (NC3-40, NC3-65 and NC3-85) allow much greater height when viewed against the proposal. The proposed height of the addition is approximately eighteen (18) feet at its highest point. The existing structure is approximately twenty-five (25) feet at its highest point. As a result, no mitigation is required pursuant to SEPA authority.

Parking

Forty-nine (49) existing parking spaces are provided for the restaurant use. The proposed addition contains bathrooms and storage areas, no additional seating, kitchen area or customer waiting areas are proposed. The construction of bathrooms, storage, the trash enclosure, and the covered entry for the customer base of Dick's will not result in increased parking demand for the site or use. Thus, no SEPA conditioning is needed.

Traffic and Transportation

As stated, the addition does not increase the seating area, waiting area, or kitchen area. The addition provides a covered entry, bathroom amenities for the customers, new trash enclosure and increased storage area for the employees. As a result no change in traffic is anticipated by the proposal. Thus, no SEPA conditioning is needed.

Summary

In conclusion, adverse effects on the environment resulting from the proposal are anticipated to be non-significant. No conditions or mitigating measures pursuant to SEPA policies is necessary, noise impacts not withstanding.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

During Construction

The following conditions to be enforced during construction shall be posted at each street abutting the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions shall be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. In addition to the Noise Ordinance requirements, to reduce the noise impact of demolition on nearby properties, all demolition and construction activities shall be limited to non-holiday weekdays between 7:30 A.M and 8:00 P.M. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby dwellings, only the low noise impact work (i.e. landscaping and reseedling w/o power equipment) shall be permitted on Saturdays and Sundays from 9:00 A.M. to 5:00 P.M.

Signature: _____ (signature on file) Date: August 23, 2004

Lucas DeHerrera, Land Use Planner
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Land Use Services

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